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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,010	04/14/2004	Sadao Kawata	9281-4792	5959
7590 10/03/2005			EXAMINER	
Brinks Hofer Gilson & Lione			TERESINSKI, JOHN	
P.O. Box 10395			ART UNIT	
Chicago, IL 60610			PAPER NUMBER	
			2858	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/824,010

Applicant(s)

KAWATA, SADA O

Examiner

John Teresinski

Art Unit

2858

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4 and 7-10 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5, 6 and 11-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/14/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 7 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,262,730 to Smith et al..

Regarding claims 1 and 7, Smith et al. disclose a charge potential evaluation method including acquiring, in an object to be measured that has a first conductor and a second conductor opposed to each other with a dielectric there between (column 2 lines 35-48), a value of a relative permittivity of the dielectric and a distance between the first and second conductors (column 2 lines 65-68), measuring, in a predetermined atmosphere, a potential  $V_c$  of a conductive plate facing a grounded surface with a predetermined distance there between (column 23 lines 61-65) and converting a potential difference  $V_h$  between the first conductor and the second conductor in the object to be measured in the atmosphere, using the claimed formula where  $d_h$  denotes the distance between the first conductor and the second conductor in the object to be measured,  $d_c$  denotes the distance between the conductive plate and the grounded surface,  $\epsilon_h$  denotes a relative permittivity of the dielectric in the object to be measured, and  $\epsilon_c$  denotes the relative permittivity between the conductive plate and the grounded surface (column 14 lines 50-55, column 17 lines 16-24, Fig. 7 elements 93 and 94).

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Regarding claim 4, Smith et al. disclose a plurality of sets of the grounded surfaces and the conductive plates are disposed in the same atmosphere (Fig. 2), and wherein an average value of measured values of the potentials  $V_c$  of all the conductive plates is assumed to be the  $V_c$  value (column 15 lines 1-30).

Regarding claim claims 8-10, Smith et al. disclose balancing the relative permittivities including adjusting/varying the distances of the coupling electrodes (column 21 lines 14-31).

***Allowable Subject Matter***

Claims 2, 3, 5, 6, 11-14 and 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Regarding claims 2, 11 and 15:

The primary reason for the allowance of claims 2, 11 and 15 is the inclusion of ions are produced by an ionizer to form an atmosphere in which the conductive plate and the grounded surface are to be disposed. It is these features found in the claim, as they are claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.

Claim 3 is allowed due to their dependency on claim 2.

Claim 12 is allowed due to their dependency on claim 11.

Claim 16 is allowed due to their dependency on claim 15.

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Regarding claims 5, 13 and 17:

The primary reason for the allowance of claims 5, 13 and 17 is the inclusion of object to be measured is a head gimbal assembly (HGA) in which a first conductor to which a magnetic head is connected and a load beam serving as a second conductor, are opposed to each other with an insulating foundation layer serving as a dielectric therebetween. It is these features found in the claim, as they are claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.

Claim 6 is allowed due to their dependency on claim 5.

Claim 14 is allowed due to their dependency on claim 13.

Claim 18 is allowed due to their dependency on claim 17.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Teresinski whose telephone number is (571) 272-2235. The examiner can normally be reached on M-F 8:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JT  
JT

September 29, 2005

V. Nguyen  
9/29/2005

**VINCENT Q. NGUYEN**  
**PRIMARY EXAMINER**